

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A recording and playback apparatus for recording data onto a predetermined recording medium and playing back said data from said recording medium, said recording and playback apparatus comprising:

a judgment means for determining mechanism to determine whether or not to correct focus precision ~~in an operation to record~~ when recording data onto an Nth track of said recording medium or ~~play~~ playing back data from said Nth track;

a computing means for computing mechanism to compute a performance function value on a jitter value or amplitude of an RF signal obtained from an already recorded track ~~neighbor~~ in the neighborhood of said Nth track; and

a correction means for correcting mechanism to correct said focus precision if said judgment ~~means mechanism~~ determines to correct said focus precision in said ~~operation to record~~ recording data onto said Nth track of said recording medium or ~~play~~ playing back data from said Nth track, said correction ~~means mechanism~~ operating to correct said focus precision by using said performance function value.

Claim 2 (Currently Amended): A recording and playback apparatus according to claim 1 wherein said judgment ~~means mechanism~~ is capable of forming forms a judgment to correct said focus precision if a predetermined period of time is determined to have lapsed.

Claim 3 (Currently Amended): A recording and playback apparatus according to claim 1 wherein said judgment ~~means mechanism~~ is capable of forming forms a judgment to correct said focus precision if a temperature inside a disk drive setting said recording medium is determined to have increased by a predetermined temperature raise.

Claim 4 (Currently Amended): A recording and playback apparatus according to claim 1 wherein said correction ~~means~~ mechanism is capable of correcting ~~corrects~~ said focus precision by using a signal played back from an (N-1)th track immediately preceding said Nth track.

Claim 5 (Currently Amended): A recording and playback apparatus according to claim 1 wherein said correction ~~means~~ mechanism is capable of correcting ~~corrects~~ said focus precision by determining a focus-bias value fd that provides the absolute value of a difference within a threshold value k where said difference is a difference in amplitude or a difference in jitters value between a signal obtained at a focus bias of $(fd + a)$ and a signal obtained at a focus bias of $(fd - a)$, and notation a denotes a change quantity.

Claim 6 (Currently Amended): A recording and playback method for recording data onto a predetermined recording medium and playing back said data from said recording medium, said recording and playback method comprising:

~~a judgment step of determining whether or not to correct focus precision in an operation to record when recording data onto an Nth track of said recording medium or play playing back data from said Nth track;~~

~~a computing step for computing a performance function value based on a jitter value or amplitude of an RF signal obtained from an already recorded track in the neighborhood of said Nth track; and~~

~~a correction step for correcting said focus precision if it is determined at said judgment step to correct said focus precision in said operation to record recording data onto said Nth track of said recording medium or play playing back data from said Nth track, said~~

~~correction step~~ correcting operating to correct said focus precision by using said performance function value.

Claim 7 (Currently Amended): A ~~recording~~ computer readable medium ~~for recording~~ a program to be storing computer program instructions which when executed by a computer ~~to record~~ that records data onto a predetermined recording medium and ~~play~~ plays back said data from said recording medium, ~~said program comprising:~~ and is programmed with the instructions causes the computer to perform the following steps:

a judgment step of determining whether or not to correct focus precision in an ~~operation to record~~ when recording data onto an Nth track of said recording medium or ~~play~~ playing back data, from said Nth track;

a computing step for computing a performance function value based on a jitter value or amplitude of an RF signal obtained from an already recorded track in the neighborhood of said Nth track; and

a correction step for correcting said focus precision if it is determined in said judgment step to correct said focus precision in ~~said operation to record~~ recording data onto said Nth track of said recording medium or ~~play~~ playing back data from said Nth track, said correction step operating to correct said focus precision by using said performance function value.

Claim 8 (Currently Amended): A recording and playback apparatus according to claim 1 wherein ~~said a performance~~ function curve includes shapes that vary in dependence on said recording medium.

Claim 9 (Currently Amended): A recording and playback apparatus according to claim 1 wherein said a performance function curve includes shapes that vary in dependence on temperature of said recording medium.

Claim 10 (Canceled).

Claim 11 (Previously Presented): A recording and playback apparatus according to claim 1, wherein said performance function value is adapted to a function curve that provides more abrupt slope at the peak of the curve.

Claim 12 (Previously Presented): A recording and playback method according to claim 6, wherein said performance function value is adapted to a function curve that provides more abrupt slope at the peak of the curve.